



## General Fund Request for the California Safe Cosmetics Program

In 2018, BCPP and the Campaign for Safe Cosmetics partnered with Black Women for Wellness on an advocacy effort to secure additional funding and staffing for the [California Safe Cosmetics Program](#). This important Program, starved of the resources it needs to do its job, requires companies to report any beauty or personal care product sold in California containing carcinogens or reproductive toxicants.

BCPP and Black Women for Wellness successfully convinced the California legislature to approve \$1.5 million in additional funding for the Safe Cosmetics Program (SCP) for fiscal year 2018-19, and an extra \$500,000 in funding each year thereafter. However, at the tail end of the lengthy California budget process, Governor Brown rejected the Legislature's proposed increase for the Safe Cosmetics Program. An important but modest proposal got swept up in Governor Brown's decision that no new funding requests would be approved. We are committed to returning to the California legislature – and to the Governor's office – to ensure the Safe Cosmetics Program finally gets the funding it needs in 2020.

### Budget Report Language Requested

“Augment General Fund expenditure authority for the California Safe Cosmetics Program by \$1.5 million in 2019-20 and \$500,000 annually thereafter to support one-time infrastructure upgrades to the electronic reporting system and products database; and additional enforcement, research and outreach staff to ensure full implementation of program requirements by manufacturers of covered products.”

### History of the CA Safe Cosmetics Program

In 2005, the Legislature passed the California Safe Cosmetics Act - Senate Bill 484 (Migden). SB 484 created the *California Safe Cosmetics Program*, requiring companies to report any beauty or personal care product sold in the state that contains chemicals known to the State of California to cause cancer or birth defects – this includes chemicals found on the Proposition 65 list, or on any of the lists created by the scientific authoritative bodies that inform Proposition 65.

The law also gave California the authority to investigate the safety of ingredients in cosmetic and personal care products. California Attorney General Kamala Harris used this authority in 2010 to [sue the manufacturers of Brazilian Blow-out](#) hair straightener for marketing a dangerous cosmetic product in California as “formaldehyde free” that contained 10% formaldehyde by weight.

The purpose of the program is to give the Department of Public Health, and other state agencies, the information they need to better protect Californians from exposure to toxic chemicals in the beauty and personal care products they use every day.

The California Safe Cosmetics Program launched a searchable public database in January 2014 that presents in a consumer-friendly way the information companies are reporting to the Department of Public Health. The SCP reports that 552 companies had disclosed the sale of 65,506 cosmetic products in the state of California, containing 88 unique Prop. 65 carcinogens and reproductive toxicants.

February 25, 2019

## Problem: The CA Safe Cosmetics Program is Chronically Underfunded

The shocking number of beauty and personal care products being sold to California consumers containing known human carcinogens and reproductive toxicants speaks to the importance of the Safe Cosmetics Program and could be just the tip of the iceberg. Investigations conducted by BCPP suggest non-reporting is rampant and many companies are likely in violation of the law because they are either under-reporting or not reporting to the Safe Cosmetics Program at all. Yet the Program does not have the resources it needs to enforce compliance with this important right to know law, nor the necessary resources to implement the law's other important provisions.

Since its enactment, state funding for this critical consumer-right-to-know and public health program has decreased year after year. Originally funded at \$495,000, funding has since decreased 25% to approximately \$370,000. With only two full-time employees, the Program lacks the sufficient human resources it needs to fully implement this important consumer health, worker health and environmental health law.

What would an increase in funding do?

- Increase staffing of the program so it could fulfill its statutory mandates and fully implement the law;
- Enable the program to address underreporting by manufacturers;
- Enable the program to address the industry abuse of "trade secret" designations which businesses have used to conceal hundreds of toxic chemicals from public view
- Initiate investigations into the safety of ingredients and products;
- Refer investigations that find potential harm to Cal/OSHA to better protect California's salon workers;
- Allow for increased awareness and use of the Safe Cosmetics Database and regular outreach to consumers and salon workers;
- Require companies to report to the state's database whether their products are intended for professional salon use or consumer use.

## Rationale for this Request

The Safe Cosmetics Program currently receives \$370,000 from the General Fund. A General Fund budget augmentation of \$500,000 would bring its annual General Fund allocation to \$870,000. This increased funding would be used to pay for additional Safe Cosmetics Program staff, ongoing information technology (IT) support, strengthened enforcement activities and redesign and overhaul of the Program's electronic reporting system and products database.

- With only two full-time employees (one professional and one administrative staff), the Safe Cosmetics Program lacks sufficient human resources to fully implement this important consumer health, worker health and environmental health law. The additional Safe Cosmetics Program staff would improve the overall quality of the data collected; conduct public outreach to increase awareness and use of the safe cosmetics database; create, translate and disseminate public education materials; increase the frequency of data audits; conduct outreach to companies via trade meetings and other venues in order to promote compliance and ensure accurate reporting; verify trade secret claims; address data gaps; generate annual data reports to summarize changes and track trends; conduct investigations and report hazard concerns to CDPH, CalEPA, DOJ, FDA, etc.
- Additional Safe Cosmetics Program staff will also be responsible for ongoing enforcement activities to address under-reporting by manufacturers and ensure companies are complying with the SCP's reporting requirements. Annual mailings would be sent to inform companies of their legal responsibility to report and increase the overall level of SCP compliance.

- A dedicated stream of ongoing IT support would provide the personnel needed to house, maintain and trouble shoot the electronic reporting system and database. IT support would also be used to redesign the reporting form to differentiate between the reporting of retail consumer versus professional salon products – something that is not happening now; add a UPC code to improve product identification and reduce errors related to user-generated data; and accommodate increased reporting requirements.
- One-time infrastructure upgrades are requested from the General Fund to redesign and overhaul the outdated data platform to address malfunctioning of the electronic reporting system and overhaul and modernize the Safe Cosmetics Program Products Database including upgrading software and hardware. This one-time funding would also be used to pay for project oversight by the CA Department of Technology.

Current Activities	Increased Capacity
The California Safe Cosmetics Program ( <a href="#">CSCP</a> ) collects information on hazardous and potentially hazardous ingredients in personal care & beauty products sold in California through an electronic registration system and makes the information available through a publicly accessible database.	Redesign and overhaul of outdated platform to address malfunctioning of database, includes upgrading of software and hardware and personnel time – one-time cost.  Add a dedicated stream of ongoing IT support to house, maintain and trouble shoot database – annual cost.
Rely on manufacturers’ self-reported data	Regular audit of the accuracy and completeness of data reported. Investigate underreporting by manufacturers
No Enforcement of SCP Reporting Requirements	Support enforcement activities by SCP staff including regular mailings to companies to inform them of their duty to report.
Publishes database on website	Conduct public awareness and outreach to salon workers, consumers and other entities to increase their knowledge and use of the program
Allows manufacturers to check a box to designate if reportable ingredients are trade secrets	Investigate the industry abuse of “trade secret” designations. Issue follow-up requests to companies for legally required trade secret documentation.
No differentiation between retail and salon products in database	Re-program database and redesign reporting form to require companies to report if their products are intended for professional salon or retail consumer use
No Universal Product Code (UPC) requested of companies	Re-program database and redesign reporting form to add UPC code to improve product identification and reduce errors related to user-generated data.

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